



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 13 of 1979

An Act to amend the Further Education Act, 1975.

[Assented to 8th March, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short titles.

1. (1) This Act may be cited as the "Further Education Act Amendment Act, 1979".

(2) The Further Education Act, 1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Further Education Act, 1975-1979".

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a day to be fixed by proclamation.

(2) Part II of this Act shall be deemed to have come into operation on the first day of January, 1978.

PART II

PART II

AMENDMENTS RELATING TO LONG SERVICE LEAVE

Amendment of
principal Act,
s. 4—
Interpretation.

3. Section 4 of the principal Act is amended by inserting after the present contents (which are hereby designated subsection (1) thereof) the following subsections:—

(2) A reference in this Act to the effective service of an officer is a reference to—

(a) the period (if any) of the officer's continuous full-time service in the teaching service;

and

- (b) any other period (if any) that is, by determination of the Minister to be regarded as forming the whole, or part, of the officer's effective service,

but does not include any period that is, by determination of the Minister, not to be regarded as a period of effective service for the purposes of this Act.

(3) The Minister may, by instrument in writing, determine in relation to any specified officers, or officers of any specified class, that a period referred to in the instrument is, or is not, to be regarded as a period of effective service for the purposes of this Act.

4. Section 18 of the principal Act is repealed.

Repeal of
s. 18 of
principal Act.

5. Section 19 of the principal Act is amended—

Amendment of
principal Act,
s. 19—
Long service
leave.

- (a) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

(2) Subject to this section, the long service leave to which an officer is entitled shall be as follows:—

(a) in respect of the first ten years of effective service—
ninety days' leave on full pay;

(b) in respect of a subsequent year of effective service (not being a year of effective service to which paragraph (c) of this subsection applies)—nine days' leave on full pay;

and

(c) in respect of the sixteenth, or any subsequent, year of effective service—

(i) commencing on or after the first day of July, 1974, but before the first day of July, 1975—a number of days' leave calculated in accordance with subsection (3) of this section;

(ii) commencing on or after the first day of July, 1975—fifteen days' leave on full pay.

(3) Where an officer commenced his sixteenth, or a subsequent, year of effective service on or after the first day of July, 1974, but before the first day of July, 1975, the officer is entitled to long service leave in respect of that year of effective service ascertained in accordance with the following formula:—

$$E = \frac{9D}{365} + \frac{15(365 - D)}{365}$$

where—

E is the number of days' leave on full pay to which the officer is entitled (any fraction of less than one-half being disregarded, and any fraction of one-half or more being regarded as one whole day)

D is the number of days commencing on (and including) the day on which the relevant year of effective service commenced and concluding on (and including) the thirtieth day of June, 1975.;

(b) by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) An officer may, if he so elects, take leave to which he is entitled under this section on half pay, and, in that event, he is entitled to twice the number of days' leave to which he would have been entitled if he had taken the leave on full pay.;

and

(c) by striking out subsection (8) and inserting in lieu thereof the following subsection:—

(8) Where a person ceases for any reason to be an officer of the teaching service before he has taken long service leave to which he is entitled under this section he shall be entitled, in lieu of that leave, to a sum ascertained in accordance with the following formula:—

$$P = SD + \left[S \times \frac{AM}{12} \right]$$

where—

P is the amount payable

S is an amount arrived at by dividing the annual salary of the officer immediately before the cessation of his service by 365

D is the number of days' long service leave on full pay to which the officer would have been entitled in respect of completed years of effective service if he had commenced his long service leave on the day on which he ceased to be an officer

A is the number of additional days' long service leave to which the officer would have been entitled if he had completed a further year of effective service

M is—

(a) where the period of the officer's effective service is not divisible exactly into complete years—the number (if any) of complete months constituting the remainder;

or

(b) in any other case—zero.

Repeal of
s. 20 of
principal Act
and enactment
of section in
its place.

Pro rata
long service
leave.

6. Section 20 of the principal Act is repealed and the following section is enacted and inserted in its place:—

20. (1) Where—

(a) a person who has completed not less than seven years' effective service as an officer;

or

(b) a person who is entitled to *pro rata* long service leave under subsection (2) of this section,

ceases to be an officer of the teaching service before he becomes entitled to long service leave under this Division, he shall be entitled to a sum, by way of *pro rata* long service leave, ascertained in accordance with the following formula:—

$$P = (9SD) + \left[9S \times \frac{M}{12} \right]$$

where—

P is the amount payable

S is an amount arrived at by dividing the annual salary of the officer immediately before the cessation of his service by 365

D is the number of complete years in the period of the officer's effective service

M is—

(a) where the period of the officer's effective service is not divisible exactly into complete years—the number (if any) of complete months constituting the remainder;

or

(b) in any other case—zero.

(2) Where an officer has completed not less than five years' effective service and—

(a) is retrenched or retired under Division II of this Part, or retires under Division IV of this Part;

(b) being a female—

(i) resigns on account of pregnancy or resigns and is pregnant at the time her resignation takes effect;

or

(ii) resigns while on accouchement leave;

(c) resigns for the purpose of undertaking the care of a child under the age of two years—

(i) of which the officer is a parent;

or

(ii) which the officer intends to adopt;

or

(d) resigns for reasons that are, in the opinion of the Minister, beyond the control of the officer,

and the effective service of the officer commenced before the first day of January, 1980, the officer is entitled to *pro rata* long service leave.

7. Section 21 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections:—

(1) Where an officer dies, the Minister shall pay to the dependants or personal representative of the officer—

Amendment of principal Act, s. 21—
Payment in respect of long service leave on death.

PART II

(a) the monetary equivalent of any long service leave to which the officer was entitled on the date of his death;

or

(b) if the officer was not then entitled to long service leave, the sum (if any) by way of *pro rata* long service leave to which the officer would have been entitled if he had resigned—

(i) on the date of his death;

and

(ii) (if, in the circumstances of the case, the reason for resignation is material to the question of determining entitlement to *pro rata* long service leave) for a reason giving rise to such an entitlement.

PART III

PART III

OTHER AMENDMENTS TO PRINCIPAL ACT

Amendment of
principal Act,
s. 5—
Application of
Act.

8. Section 5 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “any non-Government school” and inserting in lieu thereof the passage “any school (not being a college of further education)”

(b) by striking out the word “or” between paragraphs (c) and (d);

and

(c) by inserting after paragraph (d) the following paragraph:

or

(e) instruction or training provided by any theological college, seminary or religious body.

Amendment of
principal Act,
s. 6—
Administration
of Act.

9. Section 6 of the principal Act is amended by striking out paragraph (c) of subsection (2) and inserting in lieu thereof the following paragraph:—

(c) the Tertiary Education Commission;.

Amendment of
principal Act,
S. 15—
Appointments
to the
teaching service

10. Section 15 of the principal Act is amended by striking out from subsection (4) the passage “such period not exceeding two years” and inserting in lieu thereof the passage “such period of effective service (not exceeding two years’ effective service).”

Amendment of
principal Act,
s. 26—
Disciplinary
action.

11. Section 26 of the principal Act is amended by striking out subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (2) and inserting in lieu thereof the following subparagraphs:—

(i) reprimand the officer;

(ii) impose a fine on the officer not exceeding the amount of one week’s salary of the officer;

(iii) reduce the classification of the officer;

or

(iv) suspend the officer from duty (without pay) for a period not exceeding one year.

12. Section 37 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 37—
Term and renewal of licence.

(2) A licence may, if the Minister so determines, be granted in the first instance for a period of less than three years.

(3) If the holder of a licence fails to comply with this Part, or any regulation relating to this Part, the Minister may cancel, suspend or decline to renew the licence.

(4) The Minister shall not exercise his powers under subsection (3) of this section unless he has given notice in writing to the licensee of his intention to do so at least twenty-eight days before he does so.

(5) A licensee to whom a notice is given under subsection (4) of this section may, within twenty-eight days of the date of the notice, make representations to the Minister in relation to the proposed cancellation, suspension or non-renewal of the licence.

(6) The Minister shall, before he cancels, suspends or declines to renew a licence, consider any representations made in pursuance of subsection (5) of this section.

13. Section 39 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 39 of principal Act and enactment of section in its place.

39. (1) The Minister may, on the application of a licensee, vary the terms of a licence.

Variation and transfer of licences.

(2) A licence may, with the approval of the Minister, be transferred.

14. Section 43 of the principal Act is amended—

Amendment of principal Act, s. 43—
Regulations.

(a) by striking out paragraph (d) of subsection (2) and inserting in lieu thereof the following paragraph:—

(d) the courses of instruction to be provided under this Act and the awards to be conferred upon those who successfully complete any such courses of instruction ; ;

(b) by striking out paragraph (i) of subsection (2) and inserting in lieu thereof the following paragraphs:—

(i) prohibiting trespass upon the grounds of any college of further education;

(ia) regulating, restricting or prohibiting the driving, parking or ranking of vehicles on the grounds of any college of further education;

(ib) providing evidentiary presumptions in relation to offences against regulations made under paragraph (ia) of this subsection and providing for the expiation of such offences;

(c) by striking out from paragraph (l) of subsection (2) the word "specified";

and

(d) by striking out subparagraph (iv) of paragraph (m) of subsection (2) and inserting in lieu thereof the following subparagraph:—

(iv) empowering the Director-General to fix the maximum fees to be paid or received by a licensed person, or licensed persons of a particular class, in respect of a prescribed course of instruction and to fix the times or intervals at which, and the instalments in which, fees for the prescribed course of instruction are to be paid;.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor